

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of ____, 2006:

Present

Vote

Walter C. Zaremba, Chairman
Kenneth L. Bowman, Vice Chairman
Sheila S. Noll
James S. Burgett
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO APPROVE AN APPLICATION TO ESTABLISH
A PLANNED DEVELOPMENT AT 4300 MOORETOWN ROAD
CONSISTING OF A 63-ACRE SENIOR HOUSING-INDEPENDENT
LIVING DEVELOPMENT AND A 7.7-ACRE COMMERCIAL
CENTER

WHEREAS, Fourth Centrum of Virginia, Inc., has submitted Application No. PD-17-06, which seeks to amend the York County Zoning Map by reclassifying from EO (Economic Opportunity) to PD (Planned Development) approximately 70.7 acres of a 133-acre parcel for the purpose of establishing a 63-acre independent living senior housing development with a 7.7-acre commercial center on property located at 4300 Mooretown Road approximately 2,030' west of the intersection of Mooretown Road (Route 603) and Waller Mill Road (Route 713) and further identified as Assessor's Parcel No. 5-52 (GPIN# D16c-1780-1578); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the ____ day of ____, 2006, that Application No. PD-17-06 be, and it is hereby, approved to amend the York County Zoning Map by reclassifying from EO (Economic Opportunity) to PD (Planned Development) approximately 70.7 acres of a 133-acre parcel located at 4300 Mooretown Road approximately 2,030' west of the intersection of Mooretown Road (Route 603) and Waller Mill Road (Route 713) and further identified as Assessor's Parcel No. 5-52 (GPIN# D16c-1780-1578) subject to the following conditions:

1. Age Restriction

The residential component of this Planned Development shall be developed and operated as age-restricted senior housing in accordance with the definition of Senior Housing-Independent Living Facility set forth in Section 24.1-104 of the York County Zoning Ordinance. Furthermore, no resident of any of the units in the development shall be under the age of nineteen (19).

2. General Layout, Design, and Density

- a) A site plan, prepared in accordance with the provisions of Article V of the Zoning Ordinance, shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any land clearing or construction activities on the site. Said site plan shall be in substantial conformance with the conceptual plans titled "Master Plan for The Reserve at Williamsburg, Alternatives A, B, or C" prepared by AES Consulting Engineers, dated February 28, 2006, and revised May 12, 2006, except as modified herein. Substantial deviation, as determined by the Zoning Administrator, from the general design and layout as depicted on the "Non-Binding Illustrative Plan" or amended herein shall require resubmission and approval in accordance with all applicable provisions as established by the York County Zoning Ordinance. Limited deviations from the "Non-Binding Illustrative Plan" as depicted on plans titled "Master Plan, Alternative A," "Master Plan, Alternative B," and "Master Plan, Alternative C," all prepared by AES Consulting Engineers, dated February 28, 2006, and revised May 12, 2006 shall be permitted.
- b) Architectural design of all residential structures, including the clubhouse, shall be in substantial conformance with the building elevations submitted by the applicant and titled "Architectural Renderings: The Reserve at Williamsburg," dated May 12, 2006, copies of which shall be kept on file in the York County Planning Division.
- c) The layout and design of the residential development shall be in conformance with the performance standards for senior housing set forth

in Section 24.1-411 of the York County Zoning Ordinance, except as modified herein.

- d) The commercial center shall be developed in accordance with the standards for nonresidential uses within the PD district set forth in Section 24.1-361(h) of the Zoning Ordinance. Commercial uses in the development shall be consistent with the list of uses permitted in the EO-Economic Opportunity district, subject to the exclusions contained in the proffer statement submitted by the applicant and referenced herein. Furthermore, under no circumstance shall tattoo parlors, pawn shops or payday loan establishments be permitted on the property.
- e) The maximum number of residential units shall be 459.
- f) The maximum building height shall be sixty feet (60') for rental apartment buildings and 72 feet for condominium apartment buildings.
- g) The minimum building separation for single-family detached and duplex units shall be ~~fifteen feet (15'), provided, however, that where two adjacent structures are separated by less than twenty feet (20'), the following conditions shall be met:~~
 - ~~1. Structures shall be constructed with an approved NFPA 13R Sprinkler System, or~~
 - ~~2. All adjacent facing walls shall be constructed with an approved fire resistive exterior finish (or other approved alternatives) and said fire resistive construction shall include associated projections (cornices, eaves, overhangs, fireplaces, etc). Furthermore, in order to accommodate design features, the required fire resistive section of the structure is allowed to have unprotected openings provided they do not exceed 10% of the entire adjacent facing wall.~~
- h) In areas designated for single-family detached homes and/or duplexes, the minimum distance between any principal building and any public or private street right-of-way shall be twenty feet (20'), provided that such single-family structure includes a covered front porch having a depth of at least six feet (6') and a width of at least fifteen feet (15'). In the event a front porch is not provided on the structure, the minimum setback shall be thirty feet (30').
- i) Freestanding signage for the residential portion of the project shall be limited to a single monument-type community identification sign along Mooretown Road measuring no greater than 32 square feet in area and six feet (6') in height. Signage for the commercial parcel shall be in accordance with the provisions for LB-Limited Business districts, as established in Section 24.1-703 of the Zoning Ordinance.

- j) For any rental apartment building, a minimum of one (1) off-street parking space per residential unit shall be required and no additional spaces shall be required for visitor parking provided that, pursuant to Section 24.1-604(b) of the Zoning Ordinance, an area equal to one-half of the difference between the number of parking spaces provided and the number that would otherwise be required in accordance with the requirements set forth in the Zoning Ordinance shall be reserved for a period of five (5) years following the issuance of a Certificate of Occupancy for such building and shall be maintained as landscaped open space during that time.

3. Streets and Circulation

- a) In order to provide for safe, convenient, and continuous pedestrian circulation throughout the development, a four-foot (4') wide sidewalk shall be constructed on at least one side of all private residential streets within the development and shall include pedestrian connections to off-road walkways and walking trails and to the commercial center.
- b) Street lighting shall be provided at each street intersection and at other such locations determined by the subdivision agent to maximize vehicle and pedestrian safety. The design of the street lighting shall be consistent with the design and character of the development.
- c) The developer shall install a 200-foot left-turn lane with a 200-foot taper and appropriate transitions on southbound Mooretown Road at the main road, as well as northbound right turn tapers on Mooretown Road at both the main road and the right-turn in/right-turn out driveway (150' tapers), if such additional driveway is determined to be acceptable in accordance with Zoning Ordinance requirements. The right-turn in/right-turn out driveway shall be constructed with an appropriate channelizing island.
- d) The main entrance shall include one dedicated left-turn lane and one dedicated right-turn lane for egress.
- e) The spacing from the edge of Mooretown Road to the first internal access point shall be 200 feet or greater, unless otherwise approved by the Virginia Department of Transportation.
- f) Pursuant to Section 24.1-255(b) of the Zoning Ordinance, the developer shall provide a transit bus shelter and pullout, the design and location of which shall be subject to the approval of the Williamsburg Area Transport.
- g) Pursuant to Section 24.1-252(b)(2) of the Zoning Ordinance, the right-turn in/right-turn out entrance to the commercial center depicted on the

referenced plan shall be permitted only if the need for and safety of such is substantiated by a traffic impact analysis prepared in accordance with Section 24.1-251(b) of the Zoning Ordinance.

4. Utilities and Drainage

- a) Public sanitary sewer service shall serve this development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and Development Services and in accordance with all applicable regulations and specifications. The applicant shall grant to the County all easements deemed necessary by the County for the maintenance of such sewer lines.
- b) A public water supply and fire protection system shall serve the development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and Development Services and the Department of Fire and Life Safety in accordance with all applicable regulations and specifications. The applicant shall grant to the County or the City of Williamsburg all easements deemed necessary by the County for maintenance of such water lines.
- c) The development shall be served by a stormwater collection and management system, the design of which shall be approved by the County Administrator or his designated agent in consultation with VDOT and in accordance with applicable regulations and specifications. Any easements deemed necessary by the County for maintenance of the stormwater system shall be dedicated to the County; however, the County shall bear no responsibility for such maintenance.
- d) The property owners' association(s) shall own and be responsible for the perpetual maintenance of all stormwater retention facilities serving the Planned Development.

5. Open Space and Recreation

- a) The location and arrangement of open space shall be generally as depicted on the plan titled "Master Plan for The Reserve at Williamsburg," prepared by AES Consulting Engineers, dated February 28, 2006, and revised May 12, 2006.
- b) A minimum of 200 square feet of common active/passive outdoor recreation area per dwelling unit shall be provided. Said area(s) shall include, at a minimum, the following facilities and amenities:
 - Swimming pool (indoor or outdoor)

- Covered pavilion
 - Barbecue/picnic area
 - Walking trails
 - Fountains (2)
 - Benches (10)
 - Trellises (3)
 - Yard game areas
 - Gazebos (2)
- c) Indoor recreational amenities shall consist of, at a minimum, a combined total of 8,250 square feet of indoor recreation space, including 2,775 square feet in the rental apartments and 2,475 square feet in the condominium apartments and a 3,000-square foot clubhouse/recreation center, each with an exercise room, multi-purpose community room, bistro-style (non-commercial) kitchen, fireplace, and other amenities as set forth in written materials supplied by the applicant and dated May 12, 2006.
- d) All common and public improvements within the development shall be subject to the standards governing timing, performance agreements, and surety requirements set forth in Sections 24.1-362(b)(3) and (4) of the Zoning Ordinance.
- e) The location and manner of development for the recreation area shall be fully disclosed in plain language to all home purchasers in this development prior to closing.
- f) All common open space and recreational facilities shall be protected and perpetual maintenance guaranteed by appropriate covenants as required in the York County Zoning Ordinance and submitted with development plans for the project.

6.5. Fire and Life Safety

- a) In conjunction with the site plan submittals for this project, the developer shall submit a detailed description of the proposed features of the project and building design related to protection and safety of the residents, as well as operational procedures to ensure and facilitate the safety of the residents in the event of fire or other emergencies.
- b) All rental and condominium apartment units shall be equipped with an approved (NFPA 13) fire suppression system throughout (including attic areas), underground vault(s), PIV(s), and FDC(s).

6. Development Sequencing

- a) Prior to the issuance of the Building Permit for the 230th residential unit in the project, construction of at least 11,200 square feet of commercial space shall be complete and ready for individual tenant fit-out and customization to their individual needs.
- e) Prior to the issuance of the Building Permit for the 367th residential unit in the project, construction of at least an additional 18,800 square feet of commercial space (for an aggregate total of at least 30,000 square feet) shall be complete and ready for individual tenant fit-out and customization to their individual needs.

7.6. Proffered Conditions

The reclassification shall be subject to the conditions voluntarily proffered by the property owners in the proffer statement titled “Conditions Voluntarily Proffered for the Reclassification of Property Identified as a Portion of Tax Parcel 05-00-00-052, GPIN D16c-1780-1578,” signed by Jackson C. Tuttle, Williamsburg City Manager, and dated May 25, 2006, except as modified herein.

8.7. Restrictive Covenants

Prior to final plan approval, the applicant shall submit restrictive covenants for review by the County Attorney for their consistency with the requirements of Section 24.1-497 of the Zoning Ordinance.